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COLUMBUS, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
DIVISION

Phiteisha Yvette Mottey/Agent

(Enter Above the Name of the Plaintiff in this Action)

2:23 CV 3478

vs.

Dream Living LLC DBA 10x Property

(Enter above the name of the Defendant in this Action)

JUDGE MARBLEY

MAGISTRATE JUDGE VASCURA

If there are additional Defendants, please list them:

Giamal Harding

Amalea Harding

Adam Beane

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Phiteisha Yvette Mottey

Name - Full Name Please - PRINT

Clo 1396 Winsap Drive

Street Address

Columbus, Ohio 43204

City, State and Zip Code

(614) 706-9025

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Dream Living LLC DBA 10x Property
Name - Full Name Please
6950 East Broad Street Suite 420 Columbus, Ohio 43215
Address: Street, City, State and Zip Code
2. Gamal Harding
7445 Old River Road Blacklick, Ohio 43004
3. Amalea Harding
7445 Old River Road Blacklick, Ohio 43004
4. Adam Beane
5013 Pine Creek Drive Westerville, Ohio 43081
5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- Title 28 U.S.C. § 1331
[A lawsuit “arising under the Constitution, laws, or treaties of the United States.”]
- Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- Title 15 United States Code, Section 774
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

Please see attached.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
OHIO DIVISION

PETITION

On September 13, 2023, the landlord, Dream Living, LLC, initiated eviction proceedings against the estate of ©PHILEISHA YUVETTE MOTLEY© in the Franklin County Municipal Court. The landlord alleged that ©PHILEISHA YUVETTE MOTLEY© had defaulted on rent payments for the months of August and September, in addition to late fees for July, August, and September 2023. Motley, Phileisha Yuvette, acting as an agent on behalf of ©PHILEISHA YUVETTE MOTLEY©, made a Special Appearance in court on September 26, 2023, and contended that the court lacked jurisdiction over the matter, asserting that the agreement constituted a security agreement and, therefore, should be adjudicated in a higher court. Motley, Phileisha Yuvette, requested a change of venue, which was denied by the court, asserting its authority to hear eviction cases. Consequently, the court denied the motion and granted the landlord a default judgment. This action is deemed a significant breach of due process, and Motley, Phileisha Yuvette, as an agent, respectfully petitions this Court to overturn the eviction order.

It is important to clarify that Motley, Phileisha Yuvette, was not disputing the court's jurisdiction over eviction cases but rather contending that the eviction stemmed from a commercial transaction based on a security agreement, as per UCC § 9-102(74). (see: <https://www.law.cornell.edu/ucc/9/9-102>).

During the trial, Motley, Phileisha Yuvette, provided the magistrate with an Authenticated Certificate of Live Birth for review, along with a Durable Power of Attorney, to

substantiate Motley, Phileisha Yuvette, status as an Agent of the PRINCIPAL in the matter. In addition, the true bill of the case with proper stamp duty and authentication was provided to the court. Regrettably, the magistrate dismissed this evidence without due consideration. Motley, Phileisha Yuvette, also inquired about the magistrate's bond's capacity to withstand the commercial liability of the case, to which the magistrate responded affirmatively.

Motley, Phileisha Yuvette, further presented evidence, including a photograph, to demonstrate that the plaintiff had not issued a 3-day notice on August 9, 2023, as claimed in their filings, but had instead posted it on the door of 406 Midland Ave, Columbus, Ohio 43223, on August 14, 2023. Despite this evidence, the plaintiff's representative failed to substantiate the August 9, 2023, posting date.

Motley, Phileisha Yuvette, living soul woman, additionally provided text messages exchanged between Motley, Phileisha Yuvette, living soul woman, and the plaintiff's administrative assistant, Katrina Doctor, in which Motley, Phileisha Yuvette, living soul woman, sought the interest due from their security deposit paid on July 22, 2022. The plaintiff declined to provide the interest, citing Ohio Revised Code provisions, specifically Section 5321.16 governing security deposits. (see: <https://codes.ohio.gov/ohio-revised-code/section-5321.16>) The magistrate's alleged perjury in this regard constitutes a grave offense and violates Motley, Phileisha Yuvette's constitutional rights, depriving Motley, Phileisha Yuvette of due process and resulting in a default judgment against the estate of ©PHILEISHA YUVETTE MOTLEY©. It has deprived Motley, Phileisha Yuvette, living soul woman, of their right to due process and has resulted in a default judgment being entered against the estate of ©PHILEISHA YUVETTE MOTLEY©.

Despite jurisdictional issues and the nature of the security agreement between the estate of ©PHILEISHA YUVETTE MOTLEY© and Dream Living, LLC, Motley, Phileisha Yuvette, now faces eviction from their residence. The landlord's deliberate choice to file an eviction action in an improper jurisdiction can be interpreted as a retaliatory measure against requests made by Motley, Phileisha Yuvette, including those related to interest due as per the Ohio Revised Code and the details of the security deposit account. Dream Living, LLC, citing security reasons, refuses to disclose account information or a comprehensive account ledger to Motley, Phileisha Yuvette.

The crux of the matter pertains to a series of events that unfolded prior to the held hearing, the defendant's lower court counsel, Mr. Adam Beane, engaged in the deliberate manipulation of evidentiary materials by intentionally withholding essential paperwork required for the scheduled proceedings, the commencement of which was set for 10:30 a.m. The purported basis for this dereliction of duty was the purported unavailability of the plaintiff's representative.

In the matter at hand, it is incumbent upon this honorable court to consider certain critical aspects concerning the defendant's representation. Notably, the defendant's agent or representative was not explicitly identified within the initial pleadings. Furthermore, the individual who presented herself as the purported property manager for Dream Living, LLC, during the proceedings, is wholly unfamiliar to the plaintiff. Importantly, this individual's identity does not align with the individual listed as the property manager in the lease agreement that served as the basis for the eviction proceedings.

Of particular relevance, the initial agreement identifies Gamal Harding as the property manager and the most recent agreement denotes Bernard Costa as the property manager. However, it is pertinent to note that Mr. Bernard Costa was conspicuously absent during the hearing in question. In lieu of substantive firsthand knowledge or direct involvement, the aforementioned representative conveyed information that was grounded solely in hearsay, thereby rendering her testimony inherently unreliable and inadmissible. This lack of personal involvement or firsthand knowledge raises serious concerns regarding the credibility and admissibility of the testimony proffered by said representative.

It is also noteworthy that the requisite documentation to proceed with the hearing was not furnished to the court until the approximate hour of 12:30 p.m., a time at which the plaintiff's representative had subsequently materialized. The circumstances surrounding this delay in document submission have raised concerns of potential collusion and conspiracy between Mr. Beane and the court itself, which ostensibly operated to the detriment of the estate of ©PHILEISHA YUVETTE MOTLEY©. The contention posits that a default judgment should have been invoked in light of the absence of the plaintiff's client at the stipulated hour of the hearing.

In addition, Mr. Adam Beane has identified as an attorney that is practicing law. However, there is no record of a law license on file. This is required to practice law. A "certificate" is not a license to practice law as an occupation, nor to do business as a law firm. The "state bar" card is not a license, it is a "union dues card". The "B.A.R." is a "professional association." The occupational practice of law is only limited to bar card members only? That's the very definition of an UNCONSTITUTIONAL MONOPOLY, which is the origin of all

FRAUD. How can a trial be fair if the attorney (an officer of the court), the judge (Officer of the Court), the Bailiff (Officer of the Court) and the Clerk (Officer of the Court) is trusted to defend civil liberties when the chief goal is to VIOLATE IT FOR PROFIT and CONSTRUCTED TRUSTS? All attorneys are foreign agents, non-US Citizens. A US Citizen is a DEBTOR.

Mr. Adam Beane admitted evidence into the court. This is fraud and a violation as an attorney cannot admit evidence into the court. He is either an attorney or a witness. (Trinsey v. Pagliaro D.C. Pa. 1964, 229 F. Supp. 647.)

(Porter v. Porter (N.D. 1979) 274 N.W. 2d 235 n) states: "The practice of an attorney filling an affidavit on behalf of his client asserting the status of that client is not approved, inasmuch as not only does the affidavit become hearsay, but it places the attorney in a position of witness thus compromising his role as advocate."

The Court is entrusted with upholding the integrity of the judicial system. By vacating the default judgment in this matter, the Court would convey a resolute message that perjury by magistrates will not be tolerated. Ohio Revised Code Title 29 Crimes-Procedure Section 2921.11 | Perjury. (see: <https://codes.ohio.gov/ohio-revised-code/section-2921.11>) stipulates that no person in any official proceeding should knowingly make false statements under oath or affirm the truth of a previously false statement when such statements are material. Any act of perjury or purposeful mishandling or abuse of authority may be construed as an act of treason. As the court has committed misprision of treason, trespass, and breach of oath of office.

With utmost reverence for this court's authority and its role as the guardian of justice, I beseech this esteemed tribunal to initiate a meticulous review of these grave allegations. In so

doing, it is incumbent upon this court to ascertain whether any transgressions or improprieties occurred during the course of the proceedings, thereby undermining the sanctity of the plaintiff's due process.

Lastly, Executive Order 126274 proports, that, "Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain." It also privates that there should not be any financial interests that would conflict with performing their duties. The court's purported sale of bonds or securities under the name ©PHILEISHA YUVETTE MOTLEY©, linked to SSN: 278-92-5944, case 2023 CVG 033989, without :motley: yvette- phileisha's knowledge or consent, constitutes securities fraud and a violation of the court's fiduciary responsibilities. Motley, Phileisha Yvette extends an opportunity for the court to rectify this situation.

(<https://www.bia.gov/sites/default/files/dup/assets/bia/24.%20EXECUTIVE%20ORDER%2012674.pdf>)

In light of these considerations, the plaintiff respectfully requests this esteemed tribunal to scrutinize the aforementioned issues, as they bear significant weight in the determination of the case at hand. The principles of due process, fairness, and the rules of evidence warrant careful examination and resolution of these matters to ensure the integrity of the proceedings.

There are two injured parties in this matter is myself, Motley, Phileisha Yvette acting as agent for the estate of ©PHILEISHA YUVETTE MOTLEY© and the estate of ©PHILEISHA YUVETTE MOTLEY©.

This case is guided by the principles that underlie the legal framework, with an unwavering commitment to upholding the principles of fairness, equity, and due process. In view of the seriousness of these allegations, I implore this court to undertake a comprehensive and impartial investigation into the matter, with due consideration for the ramifications on the administration of justice.

PRAYER FOR RELIEF

The Plaintiff is requesting a forensic audit into the account in which the security deposit and monthly donations were made. Ability for the Plaintiff and all occupants to remain at the property of 406 Midland Avenue, Columbus, Ohio 43223. Require the Franklin County Municipal Court Bailiffs' Office to stop harassing and threatening the Plaintiff and all other occupants as a violation of their constitutional rights as there is a special constitutional notice placed in view on the door.

Additional monetary relief in the following amounts:

1. \$1,000,000 USD for estate fraud
2. \$2,000,000 USD for mental anguish
3. \$100,000 USD for misuse of the court
4. \$100,000 USD pain and suffering
5. 2 housing properties that include current tenants

CONCLUSION

The trial court erred and abused its discretion when it dismissed Plaintiff's motion to change venue. Therefore, Plaintiff respectfully requests that this court reverse the judgment of the trial court and dismiss the filing and ruling with prejudice. If this matter will not be dismissed, remand this matter to the trial court with instructions to hear this matter on its merits.

Respectfully Submitted

MotleyPlushLawYinetteAyon
WCC 1-308
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IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

_____ vs. _____

_____ vs. _____

vs.

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Please see attached

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 19 day of October, 2023.

Mother: Shiloh - yvette) Agent
Signature of Plaintiff UCC 1-306
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